

AMENDED IN SENATE FEBRUARY 28, 2012

AMENDED IN SENATE FEBRUARY 6, 2012

AMENDED IN ASSEMBLY MAY 4, 2011

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AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1200

Introduced by Assembly Member Ma
(Principal coauthors: Assembly Members Dickinson and Pan)
(Coauthor: Assembly Member Ammiano)
(Coauthor: Senator Leno)

February 18, 2011

An act to amend Sections 7200, 7204, 7210, ~~7228~~, 7403, 7408, ~~7423~~, 7444, 7655, ~~7673~~, 7680, ~~7772.1~~, 8145, and 15401 of, to add Sections 7201.1 and 7201.2 to, and to repeal Sections 7681, 7782, and 7837 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as amended, Ma. Elections: central committees.

Existing law requires that each member of a county central committee for the Democratic, Republican, and American Independent Parties take and subscribe to an oath or affirmation, as specified. Existing law provides that the oath or affirmation may be taken before any officer authorized to administer oaths.

This bill would, instead, provide that the oath or affirmation may be taken before the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

~~Under existing law, for the Democratic, Republican, American Independent, and Peace and Freedom Parties, if the elections officials, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a central committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on the party's ballot in the Assembly or supervisorial district, unless a petition indicating that a write-in campaign will be conducted for the office is filed with the elections official, as specified.~~

~~This bill would delete the above-described exception for when a petition indicates that a write-in campaign will be conducted for the office.~~

Existing law entitles a member elected to central committees for the Democratic, Republican, American Independent, and Peace and Freedom Parties to receive a certificate of election.

This bill would eliminate the above-described entitlement to receive a certificate of election and make other conforming changes.

Existing law provides how members are elected to county central committees. The method by which members are elected varies from county to county depending upon certain factors, such as the number of Assembly districts that exist within the county.

This bill would provide that, for the Democratic Party, in the County of Sacramento, the elected members of the county central committee shall be elected by supervisor districts with 6 members elected from each supervisor district, as specified.

This bill would provide that, for the Democratic Party, in the County of Alameda, the elected members of the county central ~~committees in those counties~~ *committee* shall be elected by Assembly districts and that ~~each~~ *the* committee shall contain at least a certain number of members ~~from each district~~, as specified.

This bill would provide that, for the Democratic and Republican Party, in the City and County of San Francisco, the elected members of the county central committee shall be elected by Assembly districts, as specified.

This bill would provide that, for the June 5, 2012, statewide primary election for the Democratic Party, in the County of Sacramento, and for the Democratic and Republican Party, in the City and County of San Francisco, signers of nomination papers for candidates for county central committees shall be limited to voters who disclosed a preference for the respective parties and who are residents of the respective counties.

Under existing law, for the Democratic Party, in each county containing less than 5 Assembly districts, the county central committee is required to reapportion itself at least every 10 years, prior to the June primary election of that year, as specified.

This bill would eliminate the above-described reapportionment requirement.

Existing law requires that each county central committee of the American Independent Party meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, as specified.

This bill would, instead, require the committee to meet at its county seat, upon call, which shall be given by the chairperson of the county central committee or the immediate predecessor of the chairperson.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7200 of the Elections Code is amended
2 to read:
3 7200. (a) In each county containing less than five Assembly
4 districts, a county committee shall be elected by supervisor
5 districts, and the number to be elected from any supervisor district
6 shall be determined as follows: There shall be taken the number
7 of votes cast in the supervisor district at the last gubernatorial
8 election for that party's candidate for Governor, or, if the party
9 had no candidate for Governor, for the candidate of the party voted
10 on throughout the state who received the greatest number of votes
11 and who was the candidate of that party alone. This number shall
12 be divided by one-twentieth of the number of votes cast in that

1 county for Governor or, where the party had no candidate for
2 Governor, for the candidate mentioned above. The integer next
3 larger than the quotient obtained by that division shall constitute
4 the number of members of the committee to be elected by that
5 party in that supervisor district.

6 (b) The committees in counties containing less than five
7 Assembly districts shall be composed of not less than 21 members.
8 If the procedure outlined above would result in less than 21
9 members being elected for any committee, the number of votes
10 cast for this party's candidate in each supervisor district shall be
11 divided by an amount sufficiently smaller than one-twentieth of
12 the votes cast for Governor in that county as to give a membership
13 in the committee equal to or the nearest amount that is greater than
14 21 members.

15 SEC. 2. Section 7201.1 is added to the Elections Code, to read:

16 7201.1. (a) Notwithstanding any other provision of law, in
17 the County of Sacramento, the elected members of the county
18 central committee shall be elected by supervisor districts with six
19 members elected from each supervisor district. Each member shall
20 be a resident of the county and of the supervisor district that the
21 member represents. Only a person who is a resident of the county
22 may vote for a candidate for membership to the county central
23 committee and may vote only for candidates seeking to represent
24 the supervisor district in which the voter resides.

25 (b) *Notwithstanding any other provision of law, for the June 5,*
26 *2012, statewide primary election, signers of nomination papers*
27 *for candidates for the county central committee shall be voters*
28 *who disclosed a preference, pursuant to Section 2151, for the*
29 *Democratic party and who are residents in the County of*
30 *Sacramento, regardless of whether they are residents of the district*
31 *in which the candidate is to be voted on.*

32 SEC. 3. Section 7201.2 is added to the Elections Code, to read:

33 7201.2. (a) Notwithstanding any other provision of law, in the
34 County of Alameda, the elected members of the county central
35 committee shall be elected by Assembly districts and the number
36 to be elected from any Assembly district shall be determined as
37 follows: There shall be taken the number of votes cast in that
38 portion of the Assembly district lying within the County of
39 Alameda at the last gubernatorial election for that party's candidate
40 for Governor, or, if the party had no candidate for Governor, for

1 the candidate of the party voted on throughout the state who
2 received the greatest number of votes and who was the candidate
3 of that party alone. This number shall be divided by one-thirtieth
4 of the number of votes cast in the county for Governor or, where
5 the party had no candidate for Governor, for the candidate
6 mentioned above. The integer next larger than the quotient obtained
7 by that division shall constitute the number of members of the
8 committee to be elected by that party in that Assembly district.

9 (b) If the procedure described above would result in less than
10 30 members being elected for any committee, the number of votes
11 cast for this party's candidate in that portion of each Assembly
12 district lying within the County of Alameda shall be divided by
13 an amount sufficiently smaller than one-thirtieth of the votes cast
14 for Governor in the county as to give a membership in the
15 committee equal to or the nearest amount that is greater than 30
16 members.

17 Only a person who is a resident of the county may vote for a
18 candidate for membership to the county central committee and
19 may vote only for candidates seeking to represent the Assembly
20 district in which the voter resides.

21 SEC. 4. Section 7204 of the Elections Code is amended to read:

22 7204. (a) In the City and County of San Francisco, the county
23 central committee shall be elected from the two Assembly districts
24 located in the city and county and shall consist of 24 members.
25 Whichever of the two Assembly districts consists of the majority
26 of the registered Democrats in the city and county shall elect 14
27 members and the Assembly district that consists of the minority
28 of the registered Democrats in the city and county shall elect 10
29 members.

30 (b) Both of the following shall apply for purposes of this section:

31 (1) "Registered Democrat" means any voter in the city and
32 county who has expressed a preference for the Democratic Party
33 on his or her affidavit of registration pursuant to Sections 2150,
34 2151, and 2152 as of the 154th day prior to the first direct primary
35 election after any redistricting of Assembly district boundaries.

36 (2) The City and County of San Francisco Department of
37 Elections, or any comparable successor agency, shall calculate the
38 percentage of the total registered Democrats in each Assembly
39 district in the city and county.

1 (c) *Notwithstanding any other provision of law, for the June 5,*
2 *2012, statewide primary election, signers of nomination papers*
3 *for candidates for the county central committee shall be voters*
4 *who disclosed a preference, pursuant to Section 2151, for the*
5 *Democratic party and who are residents in the County of San*
6 *Francisco, regardless of whether they are residents of the district*
7 *in which the candidate is to be voted on.*

8 SEC. 5. Section 7210 of the Elections Code is amended to read:

9 7210. (a) Each member of a committee, whether elected to
10 the committee or appointed to fill a vacancy, before he or she enters
11 upon the duties of his office, shall take and subscribe the oath or
12 affirmation set forth in Section 3 of Article XX of the Constitution.

13 (b) The oath or affirmation required by this section ~~shall~~ *may*
14 be taken before the chairperson of the county central committee,
15 the immediate predecessor of the chairperson, or a designee of the
16 chairperson or his or her immediate predecessor.

17 ~~SEC. 6. Section 7228 of the Elections Code is amended to read:~~

18 ~~7228. If the elections official, on the 73rd day prior to the direct~~
19 ~~primary election, finds that the number of candidates nominated~~
20 ~~for election to a committee from an Assembly or supervisorial~~
21 ~~district does not exceed the number of candidates to be elected~~
22 ~~from that Assembly or supervisorial district, the designation of the~~
23 ~~office and the names of the candidates shall not be printed on this~~
24 ~~party's ballot in the Assembly or supervisorial district. In lieu~~
25 ~~thereof, the board of supervisors shall declare elected the candidates~~
26 ~~who have been nominated.~~

27 ~~SEC. 7.~~

28 SEC. 6. Section 7403 of the Elections Code is amended to read:

29 7403. (a) In the City and County of San Francisco, the county
30 central committee shall be elected from the two Assembly districts
31 located in the city and county and shall consist of 25 members.
32 Whichever of the two Assembly districts consists of the majority
33 of the registered Republicans in the city and county shall elect 13
34 members plus one additional member for every 4 percent of the
35 registered Republicans in the district above a majority of the
36 registered Republicans in the city and county. The remainder of
37 the members shall be elected from the Assembly district that
38 consists of the minority of the registered Republicans in the city
39 and county.

40 (b) Both of the following shall apply for purposes of this section:

1 (1) “Registered Republican” means any voter in the city and
2 county who has expressed a preference for the Republican Party
3 on his or her affidavit of registration pursuant to Sections 2150,
4 2151, and 2152 as of the 154th day prior to the first direct primary
5 election after any redistricting of Assembly district boundaries.

6 (2) The City and County of San Francisco Department of
7 Elections, or any comparable successor agency, shall calculate the
8 percentage of the total registered Republicans in each Assembly
9 district in the city and county.

10 *(c) Notwithstanding any other provision of law, for the June 5,*
11 *2012, statewide primary election, signers of nomination papers*
12 *for candidates for the county central committee shall be voters*
13 *who disclosed a preference, pursuant to Section 2151, for the*
14 *Republican party and who are residents in the County of San*
15 *Francisco, regardless of whether they are residents of the district*
16 *in which the candidate is to be voted on.*

17 ~~SEC. 8.~~

18 SEC. 7. Section 7408 of the Elections Code is amended to read:

19 7408. (a) Each member of a committee, whether elected to
20 the committee or appointed to fill a vacancy, before he or she enters
21 upon the duties of his or her office, shall take and subscribe the
22 oath or affirmation set forth in Section 3 of Article XX of the
23 Constitution.

24 (b) The oath or affirmation required by this section ~~shall~~ *may*
25 be taken before the chairperson of the county central committee,
26 the immediate predecessor of the chairperson, or a designee of the
27 chairperson or his or her immediate predecessor.

28 ~~SEC. 9. Section 7423 of the Elections Code is amended to read:~~

29 ~~7423. If the elections official, on the 73rd day prior to the direct~~
30 ~~primary election, finds that the number of candidates nominated~~
31 ~~for election to a committee from an Assembly or supervisorial~~
32 ~~district does not exceed the number of candidates to be elected~~
33 ~~from that Assembly or supervisorial district, the designation of the~~
34 ~~office and the names of the candidates shall not be printed on this~~
35 ~~party's ballot in the Assembly or supervisorial district. In lieu~~
36 ~~thereof, the board of supervisors shall declare elected the candidates~~
37 ~~who have been nominated.~~

38 ~~SEC. 10.~~

39 SEC. 8. Section 7444 of the Elections Code is amended to read:

1 7444. If the chairperson of a committee refuses to call a
2 meeting, a meeting may be called upon five days' notice by a
3 majority of the members of the committee.

4 ~~SEC. 11.~~

5 *SEC. 9.* Section 7655 of the Elections Code is amended to read:

6 7655. (a) Each member of a committee, whether elected to
7 the committee or appointed to fill a vacancy, before he or she enters
8 upon the duties of his or her office, shall take and subscribe the
9 oath or affirmation set forth in Section 3 of Article XX of the
10 Constitution.

11 (b) The oath or affirmation required by this section ~~shall~~ *may*
12 be taken before the chairperson of the county central committee,
13 the immediate predecessor of the chairperson, or a designee of the
14 chairperson or his or her immediate predecessor.

15 ~~SEC. 12.~~ Section 7673 of the Elections Code is amended to
16 read:

17 ~~7673.~~ If the elections official, on the 73rd day prior to the direct
18 primary election, finds that the number of candidates nominated
19 for election to a committee from an Assembly or supervisor district
20 does not exceed the number of candidates to be elected from that
21 Assembly or supervisor district, the designation of the office and
22 the names of the candidates shall not be printed on this party's
23 ballot in the Assembly or supervisor district. In lieu thereof, the
24 board of supervisors shall declare elected the candidates who have
25 been nominated.

26 ~~SEC. 13.~~

27 *SEC. 10.* Section 7680 of the Elections Code is amended to
28 read:

29 7680. Each committee shall meet at its county seat, upon call,
30 which shall be given by the chairperson of the county central
31 committee or the immediate predecessor of the current chairperson
32 of the county committee on the second Tuesday in July following
33 the direct primary election, except that in any year in which a
34 national convention of the party includes that date, the existing
35 executive committee of a committee shall set the date of the
36 meeting, not to exceed 30 days after the date herein specified.

37 ~~SEC. 14.~~

38 *SEC. 11.* Section 7681 of the Elections Code is repealed.

39 ~~SEC. 15.~~ Section 7772.1 of the Elections Code is amended to
40 read:

1 ~~7772.1. Notwithstanding any other provision of law, if the~~
2 ~~elections official, on the 73rd day prior to the direct primary~~
3 ~~election, finds that the number of candidates nominated for election~~
4 ~~to a central committee from any election jurisdiction does not~~
5 ~~exceed the number to be elected from that jurisdiction, the~~
6 ~~designation of the office and the names of the candidates shall not~~
7 ~~be printed on this party's ballot in that jurisdiction. In lieu thereof,~~
8 ~~the board of supervisors shall declare elected the candidates who~~
9 ~~have been nominated.~~

10 ~~SEC. 16.~~

11 ~~SEC. 12.~~ Section 7782 of the Elections Code is repealed.

12 ~~SEC. 17.~~

13 ~~SEC. 13.~~ Section 7837 of the Elections Code is repealed.

14 ~~SEC. 18.~~

15 ~~SEC. 14.~~ Section 8145 of the Elections Code is amended to
16 read:

17 8145. It is the duty of the officers charged with the canvass of
18 the returns of any primary election in any county or city to issue
19 certificates of nomination to candidates nominated for nonpartisan
20 offices voted for wholly within one county.

21 ~~SEC. 19.~~

22 ~~SEC. 15.~~ Section 15401 of the Elections Code is amended to
23 read:

24 15401. The elections official shall make out and deliver to each
25 person elected or nominated, as declared by the governing body,
26 except those elected to a central committee, a certificate of election
27 or nomination, signed and authenticated by the elections official.

28 ~~SEC. 20.~~

29 ~~SEC. 16.~~ This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the Constitution and shall go into
32 immediate effect. The facts constituting the necessity are:

33 In order to provide for the effective and efficient conduct of the
34 June 5, 2012, statewide primary election, it is necessary that this
35 act take effect immediately.